



**Convention on the Elimination
of all Forms of Discrimination
Against Women**

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Initial reports of States parties

TURKEY

"We should acknowledge it with faith that everything in the world is shaped by women. If a community finds itself content by giving only half of its members what they need, that society strips itself of half of its possessions. A nation, in order to achieve a civilized and prosperous life, should look after men and women equally. As a principle our women, like our men, could be enlightened and well educated. Furthermore, the Turkish women will march side by side with the Turkish men, having an equal share in social life and helping and supporting each other."

Mustafa Kemal Atatürk
January, 1923

The statements given in the first page were the views of the great leader and the founder of Turkish Republic, Mustafa Kemal Atatürk, in 1923. And very soon after the speech the whole world saw how sincere Atatürk was. In 1924 the Act of Co-education (Tevhid-i Tedrisat) which gave women equal opportunity with men in education was put into effect. Because, he had found it necessary to start by education in order to influence the new generations,

Enactment of the Turkish Civil Law in 1926 was the second and one of the most important reforms of Atatürk and the Turkish Parliament, in terms of equality between sexes; modernity and reformation. It was very important since for the first time in the history, these rights were given to women-even before women thought of asking and fighting for them as in the Europe of the last century.

Some of the main reformative changes came with the Civil Law were:

- Polygamy was abolished, and thereafter religious ceremonies in this context were not recognized by law.
- Women were given the right to divorce the husband.
- The mother was equally liable for the guardianship of children as the father.
- The lowest and legal marriage age was determined.
- In marriage neither the man nor the woman could be represented by someone else. A marriage would only be legalized with both sides giving consent before an authorized person.
- A married women could own property without her husband's consent.
- Men and women became equal legally with regard to the rights of inheritance.
- Before the Civil Law two women witnesses could refute a man's testimony. Civil Law did not discriminate between the sexes and considered everybody's witness equal.

As an extension of these reforms, in 1930, Turkish women were given the right to be elected in local elections for the first time and a year after the first electoral experience in 1934, the tenth article of the Turkish Constitution was changed

to "every Turkish man and woman of twenty-one years of age can elect the members of parliament". And the eleventh article states that "every man and women of thirty years of age can be elected as representative in the parliament".

In fact, the rights which were thus attained by the Turkish women after the establishment of the Republic were a recognition of her contribution to the socio-economic and political life during the early War of Independence and Turkish women have always sustained her self-respect throughout history.

It's also obvious that granting of these rights to the Turkish women within a ten year period, was a courageous and, a realistic approach not only to the Turkish women but also to women at large, because women in other countries had had to struggle to gain these rights for centuries. Therefore those who work for the Women's Liberation and Equality Movements ought to accept Atatürk as a democratic reformist just as countries which fight their wars of independence accept him as a political leader and an ideologist, simply because in no other country has a leader fought for women's liberation with such a strong foresight.

Acceptance of co-education, civil law and amendments and changes in the first Constitution were only a part of Atatürk's reforms and each was particularly influential on social, economic, cultural and political life of the country and led to some structural changes. Even though each aimed at the abolishment of some of out-dated socio-cultural traditions, they never caused to structural and cultural confusion. In line with the changes in all sectors of the country, a new society developed. Population, family structure, education, employment, health, nutrition, participation in political life, wages, income distribution, etc. changed and rural development, mechanization in agriculture, industrial development, internal-external migration have taken place.

In spite of the reforms of Atatürk to establish democratic, laic and free society and developments stated above Turkish women today have some unsolved problems which are closely bounded with the changing economic system and social structure.

Although many of these problems have been handled and have been dealt with, many new problems will unintentionally arise with such changes in socio-economic and cultural life of the country in the near future and each will be determined by structural, cultural and economic system as in the case of today. Undoubtly, such changes would not affect only the women population of the country.

* Population-Family Structure

According to the first census results of 1927, the population of the country was 13.648.000, and the structure of the population was mostly composed of old age groups since she'd lost her young citizens during the World War I and War of Independence. In order to defend the country from the enemies, to protect the independence and to restore the country, dynamic young population was necessary. Thus as a measure to realize such aims, pro-natalist population policy was adopted and when it accompanied with the decrease in the child death rates, population has increased rapidly. Between the years of 1927 and 1984, the Turkish population has in the average increased by 617.000 annually.

Although the rate of population increase dropped a little with the rise in the welfare level and the realization of economic development, the government decided to implement anti-natalist population policy to increase the level of national income and to slow down the high rate of population increase in 1965 with the Law of Family Planning. Thus the rate of natural increase in population has decreased.

TABLE : 1

Y E A R S	Rate of Population Increase Between Censuses	Rate of Natural Population Increase
1935-40	19.59	16.4 - 14.2
1940-45	10.59	10.6 - 9.2
1945-50	21.73	19.7 - 18.9
1950-55	27.75	26.0 - 24.7
1955-60	28.53	27.2 - 27.0
1960-65	24.62	26.0
1965-70	25.19	27.3
1970-75	25.0	21.1
1975-80	20.65	22.2

Source : S.I.S. Population Censuses.

Projections of two different population policies are given below. The figures on the Table 2 reflect the rate of decrease in the specific age groups between 1960-1980, i.e. between pro and antinatalist population policies. The rate of decrease in the first age group (0-3) and the rate of increase in the last row (7-22) are especially significant when two different policies were taken into account.

TABLE : 2

Age Groups	1 9 6 0	1 9 6 5	1 9 7 0	1 9 7 5	1 9 8 0
0 - 3	12.2	11.5	11.1	11.1	10.4
4 - 5	6.6	6.8	6.4	5.8	5.7
6 - 12	18.4	19.1	19.5	18.9	18.1
7 - 12	15.4	16.1	16.6	16.2	15.6
13 - 15	6.0	6.9	7.2	7.5	7.2
16 - 18	5.2	5.7	6.3	6.7	6.9
19 - 22	7.0	6.3	6.9	7.7	7.5
7 - 22	33.5	35.3	37.1	38.1	37.2

The women population in Turkey, as compared to the population of men in average, is older and their life expectancy is longer. The Table 3 shows the significance of change in sex structure of the population between 1927 and 1980.

Although the ratio of women population to overall population has decreased in comparison with the 1927 population, the role of women within the family structure maintains its significance.

Indeed as an indicator of social and demographic structure of society and as an institution the family has particular role and importance in the Turkish society. This importance is also emphasized by the 1982 Constitution, in article 41, and the family is stated as the foundation of Turkish society. It has also foreseen by the Constitution that the state takes the necessary measures and makes the appropriate arrangements to ensure the peace and the welfare of the family, particularly the protection of the mother and children and teaching and implementation of family planning.

TABLE : 3

Census Year	Women	Men	Number of Men For Each 100 Women
1927	51.9	48.1	93
1935	50.9	49.1	97
1940	50.1	49.9	100
1945	49.7	50.3	101
1950	49.7	50.3	101
1955	49.2	50.8	103
1960	49.0	51.0	104
1965	49.0	51.0	104
1970	49.4	50.6	102
1975	48.6	51.4	106
1980	48.4	51.6	107

Source : State Institute of Statistics.

In the Fifth Five Year Development Plan "protection of families" is one of the basic principles. It has been indicated as follows; "sharing of the benefits of the economic development and the increase of employment and social services in order to protect the family units. The target of the social and economic development is oriented to the betterment of the family". The Yearly Programme of 1987 also includes a special section for family and some measures to protect this institution.

Measures related to the family are also connected with the betterment of conditions of women and children. Therefore, each measure on family could be applied only through women and children.

Although it is possible to see a little decline in the household sizes in parallel with the economic and social development, average household size is approximately 5.2. And

even though nuclearization of the families is not a recent phenomenon in Turkish society, the trend has been increasing. There is also an increase in the age of first marriage for men and women, respectively 23.8 and 20.7. These figures were 23.1 for men and 19.7 for women in 1935.

"Head of the family" attribution of the men has lost its importance with the increase in the rate of participation of women in the labor force in urban areas. Women have lost their importance as non-wage family workers in their urban areas. With the mechanization in agriculture, non-wage female workers are moving to become housewives.

Thus, although the changes in the functions of the family as a result of the developments in the socio-economic structure of the country have led to changes in the women's functions in the family, women never lost their importance in familial relations. In the urban areas, women are acquiring ever new roles and functions and because some of the urban services for women are lacking, the function of the woman in the family is becoming more important.

* Education

Education is the primary factor which identifies the capacities of women, endows them with the possibility of perceiving the socio-economic factors of their environment and adapting themselves to these. In short, it is the factor which assists them to perform their role in a better way. In spite of its importance, education alone does not have enough power to affect and direct women's participation in the economic, social, and political life of the community. For this reason, the participation of women in working life in the society and the recognition of rights to facilitate this participation varies from society to society and in different periods of time.

The literacy rate of women which was very low during the early dates of the Republic (4.6 %) has been raised to 65.2 % in 1984 as a result of efforts shown on this matter. The younger age groups are all literate. In basic education while opportunities for going to school are provided almost 100 %, especially in the rural areas, due to early marriage or employment, middle schooling for girls is realized at a lower rate than that of boys.

In rural areas, a higher percentage of female students than males quit school. On the other hand, in urban areas the percentage of students registered in schools is higher for females than males.

TABLE : 4 SEXUAL DISTRIBUTION OF TWO AGE GROUPS (%)

YEARS		Age Groups	
		7 - 12	7 22
1960	Boys	8.2	17.7
	Girls	7.3	15.8
1965	Boys	8.6	18.4
	Girls	7.6	16.6
1970	Boys	8.6	19.3
	Girls	8.0	17.8
1975	Boys	8.4	19.6
	Girls	7.8	18.4
1980	Boys	8.1	19.2
	Girls	7.5	18.0

Source: State Planning Organization

With the adoption of statism in Turkey in the early 1930s, partly as a result of the economic developments in the world then, and consequently with the planned economic development which was implemented, importance was attributed to the education of women as an element within the scarce human resources capital. Later, during the planned economy period after 1960s, with this same approach to education, significant developments in this area were attained within the framework of policies which foresaw education as the most effective instrument in augmenting the creative capacity and productivity of the society, which could provide training facilities in conformity with individual capacities and would develop the principle of equal opportunities. The number of girls' handicraft training secondary schools was increased twofold, from 91 during the 1961-1962 school year, to 205 in 1985, and the number of girls' professional colleges increased 2.5 times, from 102 during the 1961-1962 school year, to 257 in 1985. The rapid rise of the number of girl students in the girls' professional schools from 8,191 to 36,912, a rate of increase more than that in the number of schools, is an indication of the continued intense attention directed to the professional education of the female population since the beginning of the establishment of the Republic.

The same situation may be observed in the girls' applied handicrafts schools. The fact that the increasing number of the female population belonging to the 10-14 age group is attending these schools, to which women of all age groups are admitted, explains the comparatively low rates of increase in the number of students attending the girls' secondary professional schools. The number of girls and women of all ages, attending these applied handicrafts schools have increased 3.3 times, from 33,000 in 1961, to 110,000 in 1984.

Another type of education which has an important role is the education of women besides the professional handicraft colleges and applied craft schools, is the travelling women's courses. The number of students participating in 2,178 courses was 45,610 during 1974-1975, their number has increased 33.7 % to 61,000 students in 3,981 courses during the 1980-1981 school year.

The rapid increase in the number of girls and woman participants in these courses which offer professional and technical training besides general education, is an indication of the real benefits of this type of training.

On the other hand, as a result of a reading-writing teaching campaign which was revitalized in 1981 and which covered about 3.5 million people, considerable increases were obtained in the number of literates in the rural areas and in the slum areas, and the literacy rate of the women population has reached 65.2 % in 1984. A programme which is especially prepared for women is introduced on the TV, with the intention to assist women's social and formal education.

Furthermore, new professional and technical education possibilities in ceramic-making, in ready-made costume and in textiles, have attracted increasing numbers of women to be employed in these professions and helped women to contribute at a higher level to the economy of the country.

The number of girls continue to increase in general in the middle schools and lycees.

In senior education, the percentages of girl students vary from university to university. Girl students, in general, occupy 34 % of the overall number of university students in 27 universities in Turkey, the highest percentage being 53 % at the Ege University in Izmir and the lowest percentage being 18 % at Firat University in Elazığ. Presently girl students are represented at the highest percentages (51.3 %) in the language and literature fields, and at the lowest (21.9 %) in engineering and technical subjects, which are bigger than the world averages.

**TABLE 5 : DISTRIBUTION OF FEMALE UNIVERSITY STUDENTS ACCORDING
TO FIELDS OF EDUCATION (%)**

Education Area	1982-83	1983-84
Language and Literature	49.3	51.3
Fine Arts	42.4	46.5
Sciences	42.1	43.5
Medical Sciences	36.8	39.2
Applied Social Sciences	30.5	35.4
Social Sciences	28.9	33.4
Pre-Bachelorial Senior School	30.0	31.5
Agriculture-Forestry	26.7	26.3
Technical Sciences-Engineering	20.5	21.9

Source : Saim Kaptan : Higher Education and Potential of Manpower
in Turkey

The second highest percentage of girl students are in the Fine Arts (46.5%), followed by those in basic sciences (43.5%); in medical sciences (39.2%), in applied sciences (35.5%) and in social sciences (33.4%).

The 9 universities among the 27 universities, where female students are highly concentrated, are located in Istanbul, Ankara and Izmir. The percentage of female students in universities in small towns is lower. This fact is partly due to social values and concepts relating to the education of girls which shows negative trends in certain areas or due to the insufficiency of accommodation for female students in smaller universities.

Turkish women continue to take part in the education system for teacher, trainer and administrator. In fact, 42% of teachers in primary education, 37% in secondary education, 33% in professional technical education and 26% in higher education are women.

■ Employment

Due to the improvement of education and health conditions and also to new developments in favour of women with respect to their equal treatment, women have participated more and more and in greater numbers in the working life. Since 1950, in line with the trend observed in almost all countries of the world, in Turkey too, the number of working women is increasing continuously despite the decrease recorded in their proportions within the labour force. Indeed, the woman labour supply which was 5.4 million in 1970, reached 5.8 million in 1984. The number of wage earning women was multiplied by 6.18 during the period 1950-1980, thus increasing from 153,069 in 1950 to 945,851 in 1980, and their share in the overall wage earning labour force increased from 12.1 % to 15.3 %.

However, in the same period, while the percentage of women in the overall wage earning labour force was increasing, the share of women in the total labour force, in conformity with the trend of declining proportions in the labour force as a result of migrations from the rural to the urban sector and mechanization in agriculture, decreased from 47.1% to 36.8%, respectively.

TABLE 6 : PARTICIPATION IN LABOUR FORCE (%)

YEARS	Female	Male	Total
1923-1927	81.5	94.6	87.3
1950	81.5	95.5	88.4
1975	46.8	89.3	68.5
1985 (Estimate)	36.4	81.7	59.3

Source : State Planning Organization.

The increase in the number of working women despite the fall in their proportion of participation in the labour force as shown in Table 6, has brought about a new type of woman working and contributing to the economic activities thus creating a significant change in the perception of woman as a mother and housewife. From 1955 to 1980 the number of working women increased 7.3 times in the service sector and 5.8 times in the transportation and communications sector. As of 1984, in the

total labour force, women represent 50.7 % in the agricultural sector, 14.2 % in the industry, 30.4 % in the service sector and 4.7 % in other sectors.

In recent years especially, for reasons such as the aspiration to obtain better living conditions, the rise in the level of education, etc. increases have also been recorded in the number of insured working women in the manufacturing and services sectors. In 1983 the sectors where the number of insured working women was the highest, were tobacco manufacturing (46.5 %), textiles (28.9 %), ready-made clothes (24.6 %), public services (18.1 %), banking and insurance (19.3 %), chemistry-pharmacy (15.1 %) and commerce and legal professions (18.0 %). On the other hand, a distribution on the basis of the position held in the profession gives the following figures for the working women : employers (0.1 %), self-employed (4.8 %), wage-earners (13.9 %) and family workers without wage (81.2 %).

Public sector personnel surveys have shown that as of March 1982, from total of 1,294,418 civil servants, 24.6 % were women. This percentage is much higher than that of the insured women workers in 1983 (9.1 %) and even than that of women wage-earners (15.3 %) according to the results of the 1980 population census. As for the civil servants, the public institutions where women are the most numerous are the Ministry of Health and Social Assistance (58.1 %), Ministry of Finance and Customs (32.7 %), General Directorate of P.T.T. (26.8 %), Ministry of National Education, Youth and Sports (24.8 %) and banking institutions (33.5 %). The institution which in absolute terms employs the largest number of women is the Ministry of National Education, Youth and Sports.

The distribution of woman civil servants according to the place of work, was as follows in 1982 : 47.4 % in office work, 21.7 % in hospitals, 21.6 % in schools and the remaining in workshops, factories, warehouses and in other work sites.

TABLE 7 : DISTRIBUTION OF WOMAN CIVIL SERVANTS ACCORDING TO THE PLACE OF WORK (1978-1982)

YEARS	Total Number of Woman Civil Servants	Office (%)	Hospital (%)	School (%)
1978	277,622	37.3	15.9	39.5
1980	296,758	36.7	20.7	31.3
1982	318,470	47.4	21.7	21.6

Source : State Planning Organization.

It has also been observed that the level of education of women working in the public sector is higher than that of men. As of 1982, whereas only 16.5 % of women civil servants which constituted 31 % of those working in general administration services had a primary school degree, the percentage of those with secondary and high school degrees were 30 % and 40.3 % respectively. The percentage of women among the civil servants with university degrees was 24.9 %.

Women working in health services are midwives and nurses, followed by pharmacists, doctors and dentists. Women constitute 53.7 % of pharmacists, 32.4 % of doctors and 27.7 % of dentists.

Women working in technical fields are mostly concentrated in branches such as chemical, agricultural engineerings and architecture. The percentage of women making post-graduate studies is 29.8 %. This percentage is 5.2 points higher than the average of total number of women civil servants in Turkey.

Likewise, in 1984, out of 20,477 teaching staff in 27 universities, 5,865 were women (28.6 %). This is 4 points higher than the average percentage of women working in the public sector.

While 7.9 % of the unemployed were women according to the 1965 population census, this percentage rose to 19.9 % in the 1980 census. It may also be noted that, the results of survey conducted in the urban areas have shown that among the unemployed men and women seeking jobs, the 15-19 and 20-24 age groups are those where the unemployed are mostly concentrated. As a result of migration from rural areas to urban ones, women who used to work in the agricultural sector appear as housewives in the cities. In this case, the number of urban women seeking jobs is 5 times higher than that of women seeking jobs in the rural sector, this is due to the fact that those who have migrated to cities are more eager to participate in the working life, for economic reasons and also as a result of relief from social pressures of the rural environment.

* Health

In general, the indicators which are mostly used are crude mortality, fertility, infant mortality and life expectancy rates.

TABLE 8 : POPULATION INDICATORS RELATED TO HEALTH (1983)

Rate of increase of the population	24.9	per thousand
Crude birth rate	32.0	per thousand
Crude mortality rate	7.0	per thousand
Infant mortality rate	95.0	per thousand

Source : Hacettepe University, Institute of Population Studies.

TABLE 9 : LIFE EXPECTANCY AT BIRTH

Total	63.0
Woman	65.5
Man	60.6
Total Fertility Rate	3.97

Source : State Planning Organization, Fifth Five Year Plan.

The Turkish Government attaches great importance to mother and child in order to have the future generations brought up in healthy conditions. With the expansion of health services, the infant mortality rate falls and mothers, as well as children benefit most from these services. According to the data provided by the State Institute of Statistics, the rate of woman mortality in the 0-64 age group is much smaller than that of man in the same age group and as life expectancy of man is 60.6 in average, the rate of woman mortality in the age group of 65 years and over increases. As of 1985, 2,754 village health centres and 7,452 district health centers are in operation in the 67 provinces. In accordance with the health socialisation policy under way, the

construction of 720 more village health centres and 1,215 more district health centres have been planned. The data for 1982 indicate that the number of beds in health institutions has reached 116,000 with 26 beds for every 10,000 people. Activities related to family planning, as well as mother and child care are continuing with increased efficiency.

Importance is also attached to the production of sanitary and good quality food stuff which forms the basis for the physical health of the population. The conformity of these products with the standards and conditions required is controlled by the State institutions.

It is expected that the health services rendered to women will further improve with the increase in the number of the health personnel.

Each year, an average of 2,500 doctors, 700 dentists and 800 pharmacists graduate and join the health sector and the health services are further expanded.

The causes of death such as illness, traffic accidents and suicide for women are less in number than those for men. The main causes of deaths are respectively heart diseases, birth, pregnancy etc. diseases, cancerous tumours, unknown symptoms and pneumonia and other diseases.

* Participation in the Political Life

The Turkish women attained the right to elect and to be elected long before the women in many European countries. The right to vote and to be elected was first recognized to the Turkish women at the local elections of 1930, followed by the right to elect and to be elected at general elections granted in 1934. Thus, at the first general elections held in 1934, 18 women who entered the Parliament formed 4.5 % of the total number of parliamentarians. This has been the highest proportion ever reached during the history of the Republic. After the 1946 general elections there has been a sharp fall in the number of women elected to the Parliament. This seems to be related to the following fact with the beginning of the multiparty system, the role women used to play formerly as a symbol of democratization, lost its significance. Moreover, the opportunity women had at the time of the single party system "to be elected semi automatically" was lost and the rivalry between the political parties also had a negative effect on the women's chances for election. Though there is an increase in the women parliamentarians according to the results of 1983 election.

The most important common features of women who served as parliamentarians in the period 1935-1977 were the following : the education they had received was excellent and most of them had a professional background. Among the women parliamentarians, university, high school and primary school graduates are 68.1 %, 27.5 % and 2.9 % respectively and housewives only 8.7 %.

As to the 12 women members of the Parliament elected during the last general elections in 1983, 92 % of them have a university degree, whereas the only one among them with a high school diploma has served for many years in almost all levels of the political life.

A look at the results of local elections shows that in big cities particularly, the number of seats won by women candidates is far greater than the proportion of women parliamentarians. The difference between the women parliamentarians and the local women politicians is that, the latter hold mostly primary and high school degrees and are to a large extent, housewives.

On the other hand, as assessment on the basis of voters' behaviour gave the following results : women have less tendency to vote than men; women workers and peasants participate in the elections in greater proportions; women workers' tendency to vote is higher than that of housewives; women are more influenced by their religious beliefs in making their decisions for a political party; they can also be more influenced by the character of the candidate than the party programme.

* Wages

In Turkey, discrimination in wages according to sex does not appear to be a serious problem. Payment of different wages on the basis of sex is not possible, particularly among those working in the public sector or among workers associated with trade unions.

As it is the case in many developed countries, in Turkey too, despite the fact that the principle of equality in wages has been adopted by the Constitution and the Labour Law, wage differences between woman and man appear from time to time due mainly to reasons related to education, physical capabilities, continuing professional training, etc. Actually, it is a common practice not only in Turkey but in all the countries of the world that certain well paid work are considered to be fit for men only and less paid and auxiliary work spared for women. On the other hand, the women workers are mostly unskilled because they do not go through any kind of training and they cannot be promoted because they are usually neglected in benefiting from professional training. The inequality in wages could, therefore, find an explanation in the differences in training opportunities.

For civil servants, factors such as the level of education, seniority, degree of success in the work, and for workers, factors related to the nature of work done, experience, productivity and collective bargaining are of importance in the salary or wage determination.

Though the legislation prohibits wage disparity for reasons of sex, the actual situation, particularly in small workshops, is hard to know.

It may also be noted that according to wage schedules forming the basis for social security premiums, the wages paid to women workers in 1982 and 1983 reached higher levels in comparison to wages paid to men. (There is concentration in sectors such as tobacco manufacturing, ready-made clothes, textiles, printing, publishing, commerce and banking). This is mainly due to the fact that women workers, particularly in those sectors where they are concentrated, are paid higher wages for reasons of better education, experience, seniority, productivity and also because they do not change their workshops as often as men do.

TABLE 10 : DISTRIBUTION ACCORDING TO SEX OF AVERAGE WAGES FORMING THE BASIS FOR SOCIAL SECURITY PREMIUM (Daily Wages)

YEARS	Female	Male	Total
1979	277.7	295.8	294.3
1980	412.2	428.3	427.0
1981	538.0	544.4	543.0
1982	700.7	690.1	691.0
1983	965.1	942.2	944.4

Source : Workers Insurance Organization.

A weighted assessment on the basis of real wages may indicate differences in weight factors between man and woman. (There are difficulties in determining the real wages and also the discrimination between men and women). However this situation is not due to payment of different wages for equal work.

A small percentage of women occupy jobs in high levels of the hierarchy but most of them are concentrated at the lowest levels or in jobs which need the least education and qualification, whereas men occupy the medium and top levels of the hierarchy.

LEGISLATIVE ACHIEVEMENTS IN FAVOUR OF WOMEN IN TURKEY DURING THE LAST DECADE

Actually, the legal arrangements related to women realized since the founding of the Republic were taken up in the last ten years in a much broader context :

▪ The principle of equality has been recognized in article 10 of the Constitution which reads as follows :

"All individuals are equal without any discrimination before the law, irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such considerations. No privilege shall be granted to any individual, family, group or class ..."

Moreover, article 49 of the Constitution declares that "everyone has the right and duty to work..." thus making it clear that there can be no distinction between men and women regarding the right to work. In the following paragraph of the same article, emphasis is laid on the obligation of the State to protect and support all workers. In article 50 of the Constitution, it is declared that "no one shall be required to perform work unsuited to his age, sex and capacity. Minors and women... shall enjoy protection with regard to working conditions...". Among the laws regulating the working life, this provision forms the basis to all provisions of a general or special character in providing protection to women. This constitutes a deviation from what the Constitution has foreseen as to the equality between men and women for it establishes a practice which is favourable to women. The reason for this lies again in the Constitution, in article 41 which reads as follows :

"The family is the foundation of the Turkish society. The State shall take the necessary measures and establish the necessary organization to ensure the peace and welfare of the family, especially the protection of the mother and children, and for family planning education and application."

As can be seen from the provisions above, the woman has been given a special importance and priority from the viewpoint of her duties and functions within the family and the society, in view of her natural characteristics.

In addition to the provisions of the 1982 Constitution according general protection to women, amendments have been made in the laws providing special protection to working women :

* An amendment was made in the Labour Law in 1983 with regard to leave prior and after pregnancy. Women workers were granted the right to request leave without pay up to six months after pregnancy and also their conditions of work were facilitated. Women civil servants were granted the right to request post-natal leave up to six months, and in cases of continuing education, specialization and accompanying spouse who is appointed abroad, they are endowed with the right to request leave without pay up to three years.

* Furthermore, legislation prohibiting the employment of women in underground and underwater work or in any other hard work was adopted. Regulations anticipated by the laws prohibiting night work for women were also put into effect. As a result of this measure, the number of women workers affected by work accidents which caused permanent disability, was reduced by 3 or 4 times when compared with the figure of the past ten years.

* A provision was added to the Labour Law ensuring equal remuneration for equal jobs for male and female workers of equal productivity and prohibiting discrimination on the sole basis of difference of sex.

Moreover, it was declared that no provision incompatible with this could be included in the collective bargainings or work contracts. The principle of equal wage for equal work was thus adopted.

* In 1983, another amendment was brought to the provision regarding the end of work indemnity. This indemnity which is normally due at retirement or when the employer terminates the work contract could be requested by the women on condition that the request is placed within the year following a marriage in case the work contract has been unilaterally terminated by women.

* Measures were also adopted to facilitate the enrolment of more women in civil service as police women, postal distributors, etc.

* The protection of pregnant women workers was ensured through the adoption of the "Regulation regarding the conditions of work for pregnant and nursing women, nursing rooms and nurseries." According to the provisions of this, women workers have the right to have 12 weeks-paid-leave with 6 weeks before and 6 weeks after birth and up to 6 months unpaid leave after delivering their child. On the other hand, establishments employing 100 women workers are required to have nursing room and those employing 300 women workers, a nursery. Maternity and child health services are run by the State and it's free of charge.

* It is forbidden to compel nursing women to work overtime at night shifts or at hard and dangerous jobs. Such women workers are also given daily, a paid break of one hour for breast feeding and their children are taken care of in the nursing rooms from birth until 2 years old. For 6 months after the birth the mother is given daily paid leave of two hours.

* The possibilities of benefiting from motherhood insurance assistance was facilitated by an amendment in the Social Security Legislation and retirement made possible for insured women workers who have completed 20 years of service (theoretically at the age of 38). (The right to retirement for women civil servants is at the completion of 20 years of active service and at the age of 45, whereas for men it is granted after 25 years of active service and at the age of 50). Retirement ages were en echelon increased for both sexes.

* In 1981, a once and for all possibility for early retirement was granted to women civil servants with 15 years of service (theoretically at the age of 33).

* In order to insure independent business men and women Bağ-Kur was established in 1972 and 10 % of the registered (total number of registered is 1,454,000) are women.

* In 1979, the scope of Bağ-Kur (social insurance for independent economic enterprises) was enlarged so as to include voluntary insurance of housewives. Since the practice was started in 1979 52,809 women registered most of whom are estimated to be housewife. (These constitute approximately 70 % of the affiliated members of Bağ-Kur.)

* In this Fifth Five Year Development Plan (1985-1989), with regard to the participation of women in the working life, more emphasis was laid on policies and measures related to the expansion of nursery, kindergarden and child care services.

* According to the Law of the Social Insurance Institution, women have the benefit of all social insurance rights and, in addition, are covered by the "motherhood insurance". Within this framework, expenses related to pregnancy controls, health assistance for birth, breast feeding allowance, transfer to another place in connection with birth are met by the said Institution.

* Similar provisions of the Law no 657 on Civil Servants, which was promulgated many years ago, have also been included in the Bağ-Kur Law which underwent certain modifications in 1985.

* In order that the women could have legal abortion until the end of 10 th week of pregnancy, necessary provisions were included in the Law on Population Planning adopted in 1983. While the consent of the husband is also required for married couples, this Law enables women to exercise their right to determine the number of their children and assists in improving their health.

* As for the income tax, the system of taxation of married couples went through a modification in 1982. Before this date, married couples used to pay their income tax on basis of combined income which, compared to bachelors, resulted in more payment for working couples, whereas after amendments it has become possible for working women to pay less tax. (Before the modification, the reduction of minimum cost of living was applied only to the income of the head of family, but is now applied to the income of both.)

In 1984, a Prime Ministry circular brought the obligation to public administration to set up nurseries for the children of women civil servants. Labour Law also stipulates that "feeding rooms" and "creches" for infants and children of women workers must be provided. Regulations require that employers who employ between 100 - 300 female workers, must prepare feeding rooms facilities for infants care during mothers working hours. If more than 300 women are employed, a creche should be opened. In addition there are some private kindergardens too but some families find caring mother or relatives for their children.

* It may also be noted that, the fall in the rate of increase of the population and the better education levels reached by women, both being results of family planning policies, are considered to have been the basic factors which facilitated a larger participation of women in the working life.

CONTRIBUTION OF TURKISH WOMEN TO THE TURKISH COMMUNITY WITH RESPECT TO THE "EQUALITY, DEVELOPMENT AND PEACE" DIMENSION

Turkish woman, who always preserved her esteemed position in the society throughout history, realized a great step forward with respect to equality, especially after the foundation of the Republic.

Today, women, within the framework of the principle of equality, have been penetrating in the social and economic life of the country, with an ever increasing impetus, and with their talent, knowledge and skills, have been successful in every professional activity. Concept of equality, here, includes the participation of women in the development process and thrusting more responsibility on them, as well as equality in legal framework. As expressed by the International Convention on the

Elimination of All Kinds of Discrimination Against Women, realization of the equality before law would not resolve the problem by itself, but the more important thing is to exercise them and benefit from them. From this point of view, Turkish women, married or single, as an individual in the Turkish society, is exercising and benefiting all the political, economic, civil and physical rights she has, without being subjected to any discrimination.

The following includes the information on the implementation of the specific provisions of the Convention by Turkey.

Article 2.

The Turkish Constitution guarantees equality of all before the law (Article 10). This constitutional principle is also indicated in the Civil Code, the Labour Code, the Penal Code.

In spite of the equalitarian principles on the Turkish Constitution and the Codes governing internal relationships in the State, some points that derange the equality between two sexes can not be ignored. But none of them could be the reason to attribute Turkish Civil Code as an unequalitarian one. The aim is to idealize the equality between sexes and thus to provide the accordance with the Convention.

It is not possible to neglect the fact and it is observed in practice that, women may sometimes acquire rights more favourable to them as compared with men. Also the works on the modification of the Turkish Civil Law in favour of women have been completed and the draft related to these modifications is waiting for the ratification of Prime Minister.

Article 3.

Participation in the political system is open both to men and women. There isn't any regulation that limits the women's access to most of central or local authorities or political parties.

Out of regulations there are some trends that prevent women's appointment as governor for cities and towns. Since there is no necessary modifications on the regulations related to this trend, only some time is necessary for the abolishment of certain traditional tendencies.

Turkish women participate in the Turkish political life as member of the parliament, in the education system as teacher and educator; in public and private sector as employee, under secretary, general director, administrator; works in the field as producer; engage in cultural activities as organizer, artist and produce works in fine arts. Also they take place in diplomatic posts, international organizations. In short participation of Turkish women into the social, economic, political and cultural life of the country is increasing day by day.

Article 4.

There are a few special and legal decisions of the Court of Appeal to accelerate the "ideal" equality between the rights of men and women. One of the most important of these decisions gives women the right to use her own family's surname.

Article 5.

Turkey is one of the countries which is in the process of rapid transformation from traditional to industrial and modern society. Surely, such kind of a transformation does not only take place within the system of production, urbanization, mechanization, etc. the social and cultural structures of the country also change. But the speed of change in the latter can not be observed as rapid as in the former.

Even though the developments take place within the sector of communication, transportation and mass media, it is not easy to sweep away all of the deep-rooted traditional stereotyped roles of men and women. This process could only be accelerated by education and women's active participation in the economic and social life in time.

Article 6.

Exploitation of prostitution is already under the control of the State with the articles in the Penal Code. In addition to this, in order to prevent the spread out of prostitution the scope of Police Duty and Responsibilities' Act has been enlarged.

The Law 1117 for the Prevention of Young People from Degrading Pornographic Publication has been passed which is prepared with the idea of protection of women against her being used as a material good.

Article 7.

According to the Turkish Constitution every Turkish man and woman of twenty-one years of age can elect the members of parliament and heads of local authorities such as mayor and "muhtar" and participate in public referenda and every Turkish man and woman of thirty years of age can be elected as representative in the parliament. (Article 67)

As it was mentioned above from the legal point of view, women have all the opportunities to participate in the political and executive life of the country. Women are penetrating into areas they believe that it will be useful for themselves, for

their family and for the society and thus they undertake various political, economic and social positions such as village mukhtars, members of municipal councils, mayors and deputies.

The share of women public officers is 24.6 % in 1982, and the number of women in public sector work as under-secretary, general director and administrator can not be ignored.

Article 8.

There is no restriction for Turkish women representing the Turkish Government at the international level, and their share is not insufficient with respect to share they hold in government offices.

Article 9.

The Law on Turkish Citizenship remains in compliance with Article 9 of the Convention.

Article 10.

Primary education is compulsory for boys and girls. Although boys and girls have same and equal rights to acquire higher levels of education such as secondary school, lycee and higher education, girls' level of attendance drops when higher steps of education is considered in the rural areas of country. Main reasons of this decline in rural areas are the family's need to labour force and low marriage age and some traditional values. It is supposed that mechanization of agriculture has highly influenced this trend and in the near future it will abolish with some other traditions such as "başlık" (payment made to the bride's father before the marriage).

The school curriculums in each level of education are same for both men and women since the enactment of Act of Co-education (Tevhid-i Tedrisat) in 1924.

"Courses for illeterates" led to great increase in the number of literates in the country especially in rural areas. The rate of literate women was increased to 65.2 % (1984)*. Also "ability development" courses for both men and women have created great repercussions in the country, and especially in rural areas. These courses not only develop the abilities of the people but also meet the necessity for trained labour force in the rural and less developed regions.

* This ratio was 48 % in 1975.

Opportunities to participate in sport and physical education for men and women are equal, and physical training lectures are obligatory for both girl and boy students at all levels of education, from the primary to university level. Women can participate in sport clubs as a member.

Family planning education is so wide-spread and intensive enough. But unfortunately it is not so effective again because of traditional prejudices. The measures related to this problem were stated on the 1987 Program of State Planning Organization. (Population-Measure 5). Family planning education is also intensive in mass-media especially on TV.

Article 11.

Every Turkish citizen has the right to work. Women population in non-agricultural sector increased, however rural-urban migration on the one hand and agriculture on the other resulted in decrease of the women population in the total labour force during 1950-1980 period. The increase in women population in non-agricultural sector caused by the fact that unpaid family workers in agricultural sector trends to work as employees as a result of urbanization. Women who migrate from rural areas are willing to play active role in the economy instead of being house-wife only.

Main factors of increase in women's active participation into the labour force are improvement in the educational level of women population, increase in the job finding opportunities in cities, decrease in fertility, etc.

15.2 % of the total wage-earners is constituted by women population: among the insured workers 9.1 % is women and 24.6 % of the total public officers is women.

To statistical data women officers have higher educational level as compared to men. Also women worker get higher wages as compared to men insured workers in the last three years. One of the basic reason of this differences is women constitute much less mobile labour-force with respect to men.

Insured both men and women have equal rights in terms of social security, and the Labour Code remains in compliance with Article 11/2 of the Convention.

But there is no regulation in the Turkish Labour Code governing the payment of unemployment neither for men nor for women.

Article 12.

The right of citizens to health protection and assistance in the case of illness or work disability is a constitutional principle. The protective health services are free of charge and open for men and women.

The work on "Application Offices for Families" which will provide services for the families in every segment of marriage especially in the case of helplessness of the family has been started in 1987.

Article 13.

The payment of family allowance may be received either by man or woman without any sexual differentiation. Also, women and men have equal rights to bank and mortgage loans as well as other forms of financial credit. The sex of individuals receiving credit does not affect its granting.

As it was mentioned above both sexes have equal rights to access cultural amenities and participate in all aspects of cultural life.

Article 14.

Turkish women and men actively participate in agricultural production, therefore they equally enjoy the benefits of production.

Self-employed men and women, and agricultural workers from both sexes are included into the insurance system, thus both groups have right to benefit from all kinds of security measures (Act. No. 2925 and 2926).

Without any differentiation helpless, aged and disable Turkish citizens have right to receive "helplessness salary" from the State if they don't have any close relative such as son, daughter who will undertake their costs of living (Act. No.2022).

Health services on family planning have been developed by special projects of Ministry of Health and Social Assistance and by works of several associations and foundations related to family planning. For instance the Foundation for the Enforcement of Turkish Women governed by Prime Minister's wife has established two special centers in eastern Turkey to accelerate the work on woman health and family planning. Also travelling health services were enlarged by the same Foundation.

As it was stated previously courses for illeterates has

gained undeniable success as well as ability development courses, in rural areas of the country.

Article 15 - 16.

Work on the modification of the Turkish Civil Law in favour of women has been completed by the concerned commission, and the draft is waiting for the ratification of Prime Minister.

After the modification women not only gain freedom to choose their residence and domicile legally but also rights to use their legal capacity ideally. In the case of divorce they will be able to have equal right on family property with men. Thus, although equality between men and women is provided in practice, women will share ideal equality with men legally after the ratification of the modification.

Act of abortion was also modified in 1985 and application of abortion has become possible in the State hospitals and free of charge.

Minimum ages of marriage are 15 and 17 years of age respectively for women and men. These ages can be decreased to 14 for women and 15 for men by judge in any case of application.

Value and importance of children as well as women are granted by the Constitution. The value of children is very important both for the family and the Turkish society.